



07/29/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER		ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
		CLASS	SUBCLASS	EXAMINER	ART UNIT
13033.1USC8		128	898000	B. SZMAL	3736

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347850096US  
 Date of Deposit: JULY 29, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name:

00746 U.S. PRO  
0010/629490

07/29/03

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/872,545, filed on June 1, 2001 entitled STIFF SNORING IMPLANT by the following inventor(s):

Full Name Of Inventor	Family Name KNUDSON	First Given Name MARK	Second Given Name B.
Residence & Citizenship	City SHOREVIEW	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 1309 WEST ROYAL OAKS DRIVE	City SHOREVIEW	State & Zip Code/Country MINNESOTA 55126/USA
Full Name Of Inventor	Family Name CONRAD	First Given Name TIMOTHY	Second Given Name R.
Residence & Citizenship	City EDEN PRAIRIE	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 11068 BRANCHING HORN	City EDEN PRAIRIE	State & Zip Code/Country MINNESOTA 55347/USA
Full Name Of Inventor	Family Name GRIFFIN	First Given Name JERRY	Second Given Name C.
Residence & Citizenship	City CHICAGO	State or Foreign Country ILLINOIS	Country of Citizenship USA
Post Office Address	Post Office Address 680 NORTH LAKESHORE DRIVE, APT. 405	City CHICAGO	State & Zip Code/Country ILLINOIS 60611/USA

1.  Enclosed is the application; including the specification, claims, drawings, a signed oath or declaration from the prior application. The continuing application is as follows: 11 pages of specification, 12 claims, 1 page of abstract, 8 sheets of formal drawings, and 4 pages of oath or declaration.
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- 2.  Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- 3.  The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 12	<b>-20</b>	<b>0</b>	<b>x \$9.00</b>	<b>0.00</b>
<b>INDEPENDENT CLAIMS</b> 3	<b>-3</b>	<b>0</b>	<b>x \$42.00</b>	<b>0.00</b>
			<b>BASIC FILING FEE:</b>	<b>\$375.00</b>
			<b>TOTAL FILING FEE:</b>	<b>\$375.00</b>

Small entity status is claimed pursuant to 37 CFR 1.27.

- 4.  Payment of fees:
  - Attached is a check in the amount of \$375.00
  - Please charge Deposit Account No. 13-2725.
- 5.  The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
- 6.  Amend the specification by inserting before the first line the sentence:
- 7.  A set of formal drawings ( sheets) is enclosed.
- 8.  Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
  - The certified copy has been filed in prior application Serial No. , filed .
- 9.  The prior application is assigned of record to Restore Medical, Inc. located at St. Paul, Minnesota.
- 10.  The Power of Attorney in the prior application is to:

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

- 11.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- Fee for excess claims is attached.
- 12.  A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

- 13.  The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
- 14.  A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
- 15.  Also Enclosed: Petition to Change Order of Inventor Names and fee of \$130.00, Information Disclosure Statement, Form 1449, copy of 1 cited reference
- 16.  Address all future communications to the **Attention of Nancy J. Parsons** (may only be completed by attorney or agent of record) at the address below.
- 17.  A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: 7/29/03

Nancy Parsons  
Nancy J. Parsons  
Reg. No. 40,364  
NParsons:PSTdb

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: UNKNOWN  
Serial No.: NEW FILING Group Art Unit: UNKNOWN  
Filed: HEREWITH Docket No.: 13033.1USC8  
Title: STIFF SNORING IMPLANT

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347850096US  
Date of Deposit: July 29, 2003

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By: [Signature]  
Name: \_\_\_\_\_

37 CFR §1.182 PETITION TO CHANGE ORDER OF INVENTOR NAMES

Office of Petitions  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition the Commissioner to change the order in which the inventors' names appear in the heading of any patent resulting from the above-identified application. Applicants request the order of the names be changed to the following:

07/31/2003 HLE333 0000005 10629490

02 FC:1460

130.00 OP

MARK B. KNUDSON  
TIMOTHY R. CONRAD  
JERRY C. GRIFFIN

The petition fee set forth in §1.17(h) is enclosed. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Applicants' representative may be contacted at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.



Date: 7/29/03

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332.5300

Nancy J. Parsons  
Nancy J. Parsons  
Reg. No.: 40,364